

destroyed said ballots and poll books, also all of the said tallies and statements or returns, and shall record in the same book a certificate of the fact.

While ballot boxes are not to be opened so as to permit acts of sworn officers to be enquired into without an adequate and well-defined cause, yet when an indictment has been returned by a grand jury, a sufficient *prima facie* case has been made out for opening boxes. Inspection and count of the ballots held proper in a criminal case. Grand jury held to have had right to have ballot box and ballots before them, and that presence of police commissioner and supervisor of elections in grand jury room for purpose and in manner testified to by them, did not prejudice traverser. *Cochran v. State*, 119 Md. 550.

Where boxes have been kept as required, ballots may be examined by the court in case of a contest. *Leonard v. Woolford*, 91 Md. 627.

See notes to sec. 90.

Canvassing Boards.

An. Code, sec. 79. 1904, sec. 77. 1896, ch. 202, sec. 72. 1906, ch. 544, sec. 77.

87. It shall be the duty of the said county commissioners, clerks of court, mayor, register of wills and supervisors of elections, respectively, to keep safely, under lock and key, the said original statements or returns and tally-sheets until the board of canvassers for the county or city, as the case may be, shall have assembled and been organized according to law, as hereinafter provided; whereupon the clerks of court, county commissioners, mayor, register of wills and supervisors of elections shall immediately deliver or transmit to such board of canvassers the said statements or returns and tally-sheets in the sealed envelopes.

An. Code, sec. 80. 1904, sec. 78. 1896, ch. 202, sec. 73.

88. The supervisors of elections shall constitute a board of canvassers for their county or city, as the case may be.

An. Code, sec. 81. 1904, sec. 79. 1896, ch. 202, sec. 74.

89. On the Thursday next following every election between the hours of 12 o'clock noon and 1 o'clock in the afternoon, the board of county canvassers shall meet at the usual place for holding the circuit court for the county, and the board of canvassers for Baltimore city shall meet at the usual place for holding the superior court, and shall, respectively, elect a chairman and secretary from their number. Each member of the board shall take an oath, which shall be administered and recorded by the clerk of the said court, to truly canvass, add up and declare the votes as required by law. At their first meeting a majority of the whole board shall be a quorum. If a majority shall not attend on the Thursday aforesaid, the canvassers present shall adjourn to the next day, when they shall meet again between the same hours, and the canvassers then attending, although less than a majority of the whole number, shall organize themselves as a board, and shall perform the duties required by law, and all questions arising in the course of their proceedings be determined by a majority of the canvassers so attending. All the sessions, deliberations and proceedings of the board shall be public, and the candidates and their counsel shall have the right to attend and to inspect the original statements and returns, and all other documents and records.

See notes to sec. 92.